

97TH CONGRESS
1ST SESSION

H. R. 5271

To amend the Freedom of Information Act to limit the disclosure to foreign countries of information held by the United States Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 1981

Mr. WHITE introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend the Freedom of Information Act to limit the disclosure to foreign countries of information held by the United States Government, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 552(a)(3) of title 5, United States Code, is
4 amended—
5 (1) by inserting “(A)” after “(3)”;
6 (2) by striking out “(A)” and “(B)” and inserting
7 in lieu thereof “(i)” and “(ii)”, respectively;

1 (3) by inserting “, subject to subparagraph (B),”
2 after “shall”;

3 (4) by striking out “person” and inserting in lieu
4 thereof “citizen of the United States or alien lawfully
5 admitted to the United States for permanent resi-
6 dence”; and

7 (5) by adding at the end thereof the following new
8 subparagraph:

9 “(B) Records may not be made available to a citizen or
10 alien under subparagraph (A) if the citizen or alien is acting,
11 directly or indirectly, on behalf of a foreign citizen, govern-
12 ment, or organization or if the citizen or alien does not agree
13 to inform the agency providing the information if the informa-
14 tion is transmitted, directly or indirectly, to a foreign citizen,
15 government, or organization and the identity of the recipi-
16 ent.”.

17 SEC. 2. Section 552(a)(4)(A) of title 5, United States
18 Code, is amended by inserting “(i)” after “(A)” and by
19 adding at the end thereof the following new clause:

20 “(ii) In order to carry out the provisions of this section,
21 each agency shall promulgate regulations, pursuant to notice
22 and receipt of public comments, defining reasonable times,
23 places, and requirements for identifying a person who re-
24 quests information pursuant to paragraph (3) and otherwise
25 prescribing procedures for the implementation of the provi-

1 sions of such paragraph to be followed before the agency
2 makes the records available to the person.”.

3 SEC. 3. Section 552(a)(4) of title 5, United States Code,
4 is amended by adding at the end thereof the following new
5 subparagraph:

6 “(H) Any person who knowingly and willfully requests
7 or obtains information under this section from an agency
8 under false pretenses or who otherwise fails to comply with
9 the provisions of paragraph (3) and regulations prescribed
10 under subparagraph (A) shall be fined not more than \$5,000
11 or imprisoned not more than one year, or both.”.

12 SEC. 4. Section 552(b) of title 5, United States Code, is
13 amended—

14 (1) by striking out “or” at the end of paragraph
15 (8);

16 (2) by striking out the period at the end of para-
17 graph (9) and inserting in lieu thereof “; or”; and

18 (3) by inserting after paragraph (9) the following
19 new paragraphs:

20 “(10) library and museum material made or ac-
21 quired and preserved by an agency solely for reference
22 or exhibition;

23 “(11) commercially exploitable resources, includ-
24 ing formulas, designs, maps, charts, drawings, map re-

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- 1 search materials, research data, computer programs,
- 2 and technical data packages; or
- 3 "(12) materials already available to the public,
- 4 whether by sale or otherwise."

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